

## APPLICANT RESPONSE STATEMENT    VARIANCES

The applicant finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of property and shall govern the exercise of the zoning power. If this application is in response to a conditional use permit, please respond to the following standards in the form of a written narrative:

1. Explain requested variance.
  - The applicant is seeking the construct 21 additional parking spaces to be within the standard operational parking county for their stores.
2. There are exceptional and extraordinary conditions pertaining to the particular piece of property in question, due to its size, shape or topography.
  - The size and configuration of the lot supports the proposed use, proposed parking count, required code setbacks.
3. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.
  - The variance as proposed will allow the building to have adequate minimum parking required by the user. Should the variance be granted, the site will still have room for code compliance with setbacks as it relates to landscaping and building placement.
4. Such conditions are peculiar to the particular piece of property involved.
  - The proposed prototypical 8,215 SF building with 8 service bays operates with 13 employees per shift. the maximum parking by the LDO is 24 spaces leaving only 11 for customers. In the operational model for Tire Discounters the customer can wait, or drop off a vehicle for later pick up after the service work is complete. With 8 bays, 11 remaining spaces does not provide adequate and convenient parking .
5. A literal interpretation of this ordinance would deprive the applicants of any rights that others in the same district are allowed.
  - The intent of the ordinance in summary is to provide convenient and adequate parking for customers and employees based on the use. The existing lot topography, lot shape and existing/proposed interparcel access drive provide adequate room to provide convenient and adequate parking for customers based on this proposed use and building size / service bay door count.
6. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance.
  - No, the site is a vacant commercial pad in planned multi-lot development with interparcel access. There is also utility infrastructure that further supports additional commercial use of the property.
7. Special circumstances or conditions applying to the building or land or building and land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.
  - The requested relief is based on the use of the proposed building, which for this type of use would be considered standard.
8. Granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.
  - The control of the amount of parking on a property is the direct result parameters in the LDO
9. The condition from which relief or a variance is sought did not result from willful action by the applicant.
  - The relief being requested is not from any willful action by the applicant. The prototypical building and operational staffing model is part of the applicants daily business operations at multiple locations.
10. Authorizing the variance will not impair adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City.
  - No, the site is a vacant existing pad for proposed commercial development in a planned multi-parcel, multiple use development. There exist already a 40' landscape overlay requirement and shared access drive for ingress / egress to the public right of way. There is existing utility infrastructure that further supports additional commercial use of the property in its current configuration.